



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

JOHNNY R. HUFF,

Petitioner,

v.

Civil Action No. 3:08CV706

COMMONWEALTH OF VIRGINIA,

Respondent.

MEMORANDUM OPINION

Johnny R. Huff, a Virginia inmate proceeding pro se, submitted a petition under 28 U.S.C. § 2254 challenging his civil commitment as a sex offender. On December 30, 2008, the Court ordered Huff to re-file his claims on the standardized forms, and to show cause for not dismissing his petition as unexhausted. See 28 U.S.C. § 2254(b)(1)(A). Huff's response indicates that his claims are currently pending in state courts. (Petr.'s Am. Pet. 4,6). The instant petition is therefore unexhausted. Huff's claims will be DISMISSED WITHOUT PREJUDICE. The petition will be DENIED. The action will be DISMISSED.

The Clerk is directed to send a copy of this memorandum opinion to Huff.

And it is so ORDERED.

 /s/ REF
Robert E. Payne
United States District Judge

Date: *January 27, 2009*
Richmond, Virginia